

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,

Case No. 2:21-CR-204 JCM (DJA)

Plaintiff(s),

ORDER

v.

AUSTIN LEE FLORES,

Defendant(s).

Presently before the court is defendant Austin Lee Flores (“defendant”)’s motion for compassionate release. (ECF No. 46). The government did not file a response to defendant’s motion.

The court sentenced defendant to 108 months’ imprisonment on January 4, 2023, to be followed by five years of supervised release for conspiracy to distribute a controlled substance. (ECF No. 45 at 1, 3).

Defendant filed his motion *pro se*, and he argues that he is eligible for a sentence reduction pursuant to Amendment 821 of the United States Sentencing Commission Guidelines. (ECF No. 46 at 1-2). Amendment 821 provides that offenders with zero criminal points, and whose offense does not have certain aggravating factors, may receive a two-point base offense level reduction. USSG §4C1.1.

Fifteen days after defendant filed his motion, his counsel filed a notice of non-eligibility. (ECF No. 49). In her notice, counsel for defendant stated she had reviewed defendant’s filing and additional relevant documents. (*Id.* at 1). Based on the review, counsel has determined that

1 defendant does not qualify for a sentence reduction. (*Id.*). The court finds no reason to deviate
2 from counsel's representations regarding her client.

3 Accordingly,

4 IS IT HEREBY ORDERED, ADJUDGED, and DECREED that defendant Austin Lee
5 Flores' motion for compassionate release (ECF No. 46) be, and the same hereby is, DENIED
6 WITH PREJUDICE.
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8 DATED December 7, 2023.

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10 UNITED STATES DISTRICT JUDGE
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